



MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF COMMISSIONERS
FOR THE
COUNTY OF LEE, STATE OF NORTH CAROLINA

MARCH 20, 2006

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 1:30 p.m. in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were W. Chad Adams, Robert H. Brown, Herbert A. Hincks, Jerry M. Lemmond, Nathan E. Paschal, Robert T. Reives, and Amy L. Stevens.

Chairman Hincks presided and the following business was transacted:

County Attorney K. R. Hoyle delivered the invocation.

Chairman Hincks led the pledge of allegiance.

The following new employees were introduced by department heads:

Ms. Nicole Murchison, Youth and Family Services
Ms. Rebecca Davis, Listing Department, Tax Office
Ms. Kimberly Williams, Jail
Ms. Veronica Campbell, Health Department

County Manager David Smitherman asked the Board to add and consider the following items to the Consent Agenda: (1) Request from Central Carolina Community College for the County of Lee (in conjunction with the City of Sanford) to pay a total of \$10,000 to fund bus transportation for children to attend the National Youth Sports Program (NYSP) during this coming summer; (2) Agreement between the County of Lee and Assessment Solutions, Inc. to assist with the completion of the 2007 Revaluation Project; and (3) Approval of the Community Services Block Grant for Johnston-Lee-Harnett Community Action. Mr. Smitherman also asked that the Board consider an appointment to the Juvenile Crime Prevention Council. Commissioner Stevens asked that the Board discuss the creation of a Countywide Fire Service District. County Attorney K. R. Hoyle asked that the Board discuss an amendment to the Lee County Solid Waste Ordinance. Commissioner Brown moved to approve the above additions to the agenda. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered consent agenda items. Commissioner Lemmond moved to approve the consent agenda as printed, along with the above mentioned additions, which consisted of the following items:

- Minutes of the February 20, 2006 regular meeting
- Minutes of the February 20, 2006 closed session meeting
- Preliminary plat for "BOCA Estate" off Chris Cole Road
- Preliminary plat for "Big Sky Properties" off Copeland Road
- Lease agreement between the County of Lee and Farm Service Agency for space at the McSwain Extension Office (per attached copy)
- Resolution to include the Town of Broadway in the Cape Fear Fire Protection Tax District (copy attached)
- Proclamation for *Spring 2006 Litter Sweep Roadside Cleanup* (copy attached)
- Approval to submit application for Arts Council grant for Family & Youth Services
- Approval to submit application for Runaway and Homeless Youth grant for Family & Youth Services
- Approval to submit application for Edward Byrne Memorial-Justice Assistance grant for the Sheriff's Department
- Approval to submit application for Bulletproof Vest Partnership Program grant for the Sheriff's Department
- Annual contract to Audit Accounts between the County of Lee and Martin Starnes & Associates
- Approval for Sheriff's Department to replace wrecked patrol vehicle
- Tax Releases and Refunds for February 2006 (copy attached)
- Approval to fill vacant Food Stamp Supervisor position in Social Services
- Approval to fill Income Maintenance Caseworker II position in Medicaid Unit at Social Services
- Approval to submit application for Juvenile Justice Partnership Council grant for Family and Youth Services
- Approval of Job Access and Reverse Commute Grant Agreement and Resolution for County of Lee Transit System
- Proclamation of appreciation for members of the Nursing Home-Rest Home Advisory Board (copy attached)
- Proclamation to proclaim April 7-9, 2006 as "*The Brick City Family Fun Festival*" (copy attached)
- Change Revaluation Coordinator position in Tax Office from full-time temporary position to permanent full-time position
- Adult Soccer League Agreement between the County of Lee, Lee County Board of Education, and Liga de Futbol Soccer San Le Sanford NC, Inc. (copy attached)

- Budget amendment # 03/20/06/#16 (copy attached)
- Approval for the Health Department to receive \$3,577.04 from the State Environmental Health Program
- Approval for the Health Department to receive \$4,225.00 from the State Family Planning Program
- Annual Consolidated Agreement between the Lee County Health Department and the State Division of Health Services
- Approval to fill vacant Animal Control Officer II position
- Approval to fill vacant Animal Shelter Attendant position
- Approval to fill Public Health Education Specialist position
- Approval for the Health Department to apply for and receive reallocated State Public Health Preparedness funds in the amount of \$20,511.90 for hardware and software installation
- Approval for the Health Department to apply for and receive reallocated State Public Health Preparedness funds in the amount of \$19,183.00 to prepare and equip Lee County in case of an event such as the Bird Flu
- Adoption of By-Laws for the Lee County Fire Advisory Board (copy attached)
- Approval to contribute \$5,000 to Central Carolina Community College for bus transportation for children to the National Youth Sports Program (NYSP) during this coming summer
- Agreement between the County of Lee and Assessment Solutions, Inc. to assist with the completion of the 2007 Revaluation Project (copy attached)
- Approval of Community Services Block Grant for Johnston-Lee-Harnett Community Action
- Approval to fill vacant Staff Psychologist position in Family and Youth Services
- Approval of appointment of Ms. Betty Ciliberto to the Juvenile Crime Prevention Council

Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
 Nay: None

The Chairman ruled the motion had been adopted unanimously.

Mr. Joe Cherry, Chairman of the Employee Selection Committee told Commissioners that Mr. James Stone, Convenience Center Operator with Lee County General Services, Solid Waste Division had been selected as the March 2006 Employee of the Month. Chairman Hincks presented Mr. Stone his awards which included a day off with pay, a star award, a framed certificate, a pizza from Papa Johns' Pizza, Coca Cola products from Sanford Coca Cola, and a movie rental from Movie Gallery. Mr. Stone will be considered for the Employee of the Year Award in December.

The following individuals signed up to speak during the Public Comments section of the meeting:

- Mr. Bob Lemmond, 2100 Hawkins Avenue – spoke in reference to the proposed move to the Buggy Building on Chatham Street. Stated that the building was in a flood plain and he felt it would be best for the County to purchase land and build a new building
- Ms. Teresa Dew, 317 Queens Road – extended a thank-you to the Commissioners for approving the proclamation for *The Brick City Family Fun Festival*

No action or discussion took place on the above matters.

Tax Administrator Kep Kepley gave the Board an update on the 2007 Revaluation project. Mr. Kepley stated that February was a very good month and that as of March 16, 2006, the project was 79.7% complete. He also stated that all “discoveries” will be heard by the Board of Equalization and Review.

Mr. Tom McSwain from Pinnacle Benefit Resources, Inc., Sanford completed the required document to appear before the Board and discuss concerns he has with Lee County contracting with a brokerage agency from Charlotte to advise the County on employee benefits instead of trying to do business with qualified local brokerage agencies. Mr. McSwain read a prepared statement addressing areas of concern as it related to the Request for Proposal (RFP) submitted by Mark III Brokerage. No action was taken on the matter.

Mr. David Browder from Mark III Brokerage completed the required document to appear before the Board to discuss his company's RFP to furnish health benefits/services for Lee County employees. Mr. Browder stated that his company did not offer Lee County any additional services that other towns and counties have been offered. Mr. David Smith, Attorney at Law from Durham, North Carolina, representing Mark III Brokerage, was also present and addressed some of the concerns presented by Mr. McSwain. No action was taken on the matter.

Chairman Hincks stated that both of the above matters would be taken under advisement.

Mrs. Linda Garner 243 Hollywood Road, Cameron, completed the required document to appear before the Board to discuss the addition of Hollywood Road to the North Carolina Secondary Road System. Mrs. Garner told the Board that in December 2005 residents of Hollywood Road received notification from the US Postal Service that rural delivery would be withdrawn on December 27, 2005, if the road was not properly maintained. An extension to this notification has been received but it is unclear how long the extension will be granted. Mrs. Garner also stated that school buses are unable to travel the road and children must walk approximately one mile to the bus stop. A petition signed by property owners was submitted. After some discussion, Commissioner Reives moved that a letter be sent to the North Carolina Department of Transportation asking that a study of Hollywood Road be completed and recommendations presented on ways to bring the road up to DOT specifications, along with a letter to the US Postal Service notifying them of the request to DOT. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered the *Performance Appraisal Program*. Human Resources Director Patsy Rogers told the Board that a Committee was established in early 2005 to begin work on a *Performance Appraisal Program* for Lee County employees. The Committee has established a policy where employees can receive an annual salary increase based on performance, in addition to the annual cost of living adjustment. Training will be required before the program can be implemented for FY 2006-07; therefore, the Board is asked to approve the proposed *Performance Appraisal Program* so development and training can be implemented. Ms. Rogers stated that employees will receive an additional 2% or 5% if they meet the requirements stated in their agreement. Commissioner Reives asked that an Audit Committee be established to address concerns of employees if they feel they haven't been treated fairly. After some discussion, Commissioner Adams moved to approve a resolution adopting the *Performance Appraisal Program*, a copy of which is attached to these minutes and by this reference made a part hereof, and begin development and training to implement the program effective July 1, 2006. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a Landfill Franchise Ordinance as prepared by County Attorney K. R. Hoyle. A resident of Lee County has expressed an interest and intention to make an application for a franchise to operate a *Land Clearing and Inert Debris (LCID) Landfill* in Lee County. Mr. Hoyle told the Board that per North Carolina General Statute 130A-294(b1)(3) a county must adopt a franchise ordinance under North Carolina General Statute 153A-136 before the application is submitted. Mr. Hoyle further stated that future steps would include the negotiation of a Franchise Agreement, conduct a public hearing, the presentation of the Franchise Agreement at two regular meetings of the Board, and the application process which will begin after the Franchise Ordinance is adopted. It was further stated that the law prescribes a specific procedure that must be followed in order to adopt a valid ordinance which includes the following:

- The ordinance may be adopted when it is introduced by a unanimous vote of all of the Commissioners.
- If the ordinance is voted on when introduced and receives a majority of the votes cast but not all of them, then it must be considered at the next regular meeting of the board. It may be adopted at that meeting or at any meeting within 100 days of introduction by a majority of the votes cast. If the proposal fails at that meeting, it must be reintroduced.
- If the ordinance is voted on when introduced and does not receive majority of the votes cast, it fails. It must be formally introduced again before the board can once again consider it.

- The ordinance may be introduced and considered but not voted on when it is introduced. In this case it is treated as though it had received a majority but not unanimous approval. It must then be considered at the next regular meeting and may be passed by a majority of the votes cast, or it may be passed at any time within the next 100 days by a majority of the votes cast.

After some discussion, Commissioner Paschal moved to approve the *Lee County Landfill Franchise Ordinance*, a copy of which is attached to these minutes and by this reference made a part hereof, and to negotiate a Franchise Agreement with the interested party. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered the issue of Code Enforcement for Lee County. County Manager David Smitherman told the Board that the County continues to receive complaints in reference to nuisance abatement and minimum housing and zoning enforcement matters. The County has several ordinances in place that are not actively enforced including Minimum Housing Code and general nuisance complaints. Mr. Smitherman stated that under the current agreement with the City of Sanford, no staff resources are dedicated to the enforcement of County issues. The Board was asked how they wished to proceed with the issue. Commissioner Reives stated that he would like to know the number of calls and complaints the County is receiving in reference to this matter. After some discussion, Commissioner Brown moved to instruct the County Manager to address the matter with the City of Sanford and consider alternatives to resolve the issue, and to report back to the Board as soon as possible on his findings. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board discussed the creation of a government access cable television channel. Commissioner Adams requested this item be placed on the agenda for discussion. Mr. Adams stated that he would like to see the Commissioners meetings broadcast and it was imperative that we move forward into the 20th century. County Manager David Smitherman told the Board that he and IT Director Ryan Draughn have been discussing this matter. Mr. Smitherman and City Manager Leonard Barefoot have also been discussing a possible joint agreement for government access channel programming. No action was taken on the matter.

The Board discussed the merger with the City of Sanford for law enforcement and MIS services. Commissioner Adams requested this item be placed on the agenda for discussion. Mr. Adams stated that he would like for the Manager and Chairman to begin discussion with the City of Sanford for merging the above two departments and

any others that would be feasible. He asked that they address the pros and cons for a merger. No action was taken on the matter.

The Board considered a countywide Fire Service District. Commissioner Stevens asked this item be added to the agenda for discussion. Ms. Stevens asked the Board to determine what part of the County would be included in the Fire Service District. It was noted that a public hearing must be held before adopting any resolution defining a new service district. After some discussion, Commissioner Stevens moved that the County Attorney and County Manager proceed with the steps outlined in General Statute 153A-302 to create a fire service district and direct the Fire Advisory Board to prepare a plan to establish such a district. After further discussion, Commissioner Stevens withdrew her motion. It was decided that Commissioner Brown, who will represent the Commissioners on the Fire Advisory Board, will see that this issue is addressed.

The Board considered an appointment to the Lee County Parks and Recreation Commission. Commissioner Paschal moved that Mr. Dean Sanders be appointed to serve as the "second alternate" on the Parks and Recreation Commission. Commissioner Reives moved to accept the nomination by acclamation. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered appointments to the Lee County Fire Advisory Board. After some discussion and nominations by various Board members, the following individuals were appointed to serve on the Lee County Fire Advisory Board:

- Larry Kelly, Fire Department representative, 4 year term
- Royce Gaines, Fire Department representative, 2 year term
- Larry "Doc" Oldham, General Public representative, 4 year term
- John Altenburger, General Public representative, 2 year term
- Roger King, Business/Industry representative, 4 year term
- Donald Andrews, Jr., Business/Industry representative, 2 year term
- Bob Brown, Commissioner representative

The Board discussed the Monthly Financial Report for February 2006. No action was taken.

Commissioner Reives moved that the County Manager send a letter to the Lee County delegates asking for their support in advocating for the use of the July 1, 2005, federal census estimate as the official State population estimate. This is needed in order for Lee County to receive correct sales tax allocation and other fund distributions. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Reives asked that Economic Development Director Bob Heuts attend the April meeting to discuss the report entitled "*Health of Lee County*" as it relates to the calculation of crime rate numbers and the source of where and how these numbers are obtained.

Commissioner Reives asked that Emergency Services Director Jim Groves check with Homeland Security to see if funding is available for Lee County to secure alternative buildings for emergency shelter sites to accommodate individuals in case of emergencies.

County Manager David Smitherman gave the Board an update from the Legislative Committee. He stated that alternative funding sources will be looked at such as impact fees and land transfer fees. Strategic Initiatives Director Lesa Price will provide the Board with a report at the April meeting.

The Board took a fifteen minute recess at this time. Upon returning from recess, with all members present, Chairman Hincks called the meeting back to order and business continued.

Budget and Finance Analyst Trish Coleman gave the Board a power point presentation concerning the Capital Improvement Plan (CIP) for FY 2007-2011. Ms. Coleman and County Manager David Smitherman answered questions from the Board. No action was taken.

The Board considered the meeting schedule for the month of April 2006. A revised meeting schedule was requested by the County Manager since he will be out of town working on the FY 2006-07 budget and taking personal leave. After some discussion the Board agreed to hold a Capital Improvement Plan (CIP) work session at 3:00 p.m., Wednesday, April 29, 2006, with a public hearing scheduled for 7:00 p.m. on the same date. The regular meeting of the Board will be held at 9:00 a.m., Tuesday, April 18, 2006. Joint public hearings with the Planning Board will be conducted at 7:00 p.m., Monday, April 24, 2006, at the Lee County Courthouse. All other meetings will take place at the Lee County Government Center.

Chairman Hincks moved to go into closed session to discuss the following:

- To consult with the County Attorney to protect attorney-client privilege per N.C.G.S. 143-318.11(a)(3);
- To discuss matters relating to the location of a business in the area per N.C.G.S. 143-318.11(a)(4); and
- To discuss a personnel matter per N.C.G.S. 143-318.11(a)(6)

Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously and the Board was in closed session. After completing business in closed session, Commissioner Adams moved to go out of closed session. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Chairman Hincks recessed the meeting till 7:00 p.m. for joint public hearings with the Lee County Planning Board in Courtroom #4, old Lee County Courthouse.

The meeting resumed at 7:00 p.m. in Courtroom #4 at the old Lee County Courthouse, 1408 S. Horner Blvd. The following Commissioners were present Robert H. Brown, Herbert A. Hincks, Jerry M. Lemmond, Nathan E. Paschal, and Amy L. Stevens. Commissioners W. Chad Adams and Robert T. Reives were absent.

Chairman Hincks called the meeting to order.

Planner Althea Thompson outlined the first rezoning petition submitted by Mr. Craig Dodson to rezone approximately 3.40 acres of land located on north side of White Hill Road from Residential Agricultural district to Highway Commercial district.

Mr. Craig Dodson of 1019 White Hill Road spoke in favor of the rezoning petition. Mr. Dodson stated that he did not have sufficient acreage to take care of the expansion of his business and to satisfy the buffer requirements; therefore, he was asking that additional property be rezoned.

No one present spoke in opposition to the rezoning petition.

Chairman Hincks closed the first public hearing and opened the second rezoning request submitted by Mr. Darryl Jones to rezone from Residential Agricultural district to a Conditional zoning district to be known as the "*Lee County Mud Motorsports Complex District*".

Planner Althea Thompson outlined the second rezoning petition submitted by Mr. Darryl Jones. Ms. Thompson stated that the property to be rezoned includes a 15.96 acre portion of a 30-acre tract. She stated the undeveloped farmland has 783 feet of road frontage on Lower River Road (SR 1500). Ms. Thompson further stated that the applicant is petitioning to rezone to a Conditional Zoning district that would be a stand-alone district with its own unique conditions. The owner would have the freedom to develop his/her own unique list of permitted uses and design standards. If approved, the site would be required to be developed in accordance with the site plan as submitted with the application. All specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns.

The following individuals spoke in favor of the rezoning petition:

- Mr. Darryl Jones, 4004 Lower River Road
- Mr. Bret Mull, 507 Winding Ridge
- Ms. Tammy Duty, 55 Bofield Lane
- Mr. William Stephens, 185 Knottingham Lane
- Ms. Cynthia Gallion, 83 Knottingham Lane

No one present spoke in opposition to the rezoning request.

Chairman Hincks closed the public hearing.

With no further business to come before the Board, Chairman Hincks moved to adjourn the meeting. Upon a vote, the results were as follows:

Aye: Brown, Hincks, Lemmond, Paschal, and Stevens
Nay: None
Absent: Adams and Reives

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned in keeping with the motion.

Herbert A. Hincks, Chairman

ATTEST:

Gaynell M. Lee, Clerk